

**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Monday, August 17, 2015**

**OPEN SESSION**

**(All times are approximate and subject to change.)  
[http://www.cdcr.ca.gov/BOPH/meeting\\_agenda.html](http://www.cdcr.ca.gov/BOPH/meeting_agenda.html)**

1515 K Street  
Executive Board Meeting Room  
Suite 550  
Sacramento, California 95814

**START TIME: 1:00 p.m.**

**AGENDA**

**MEETING CALLED TO ORDER**

1. Roll Call

**CONSENT CALENDAR**

2. Approval of the Draft Minutes from the July 20 and 21, 2015 Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for August 2015
4. Approval of Motions for Hearings with Procedural Errors

**A. ELLIS, NICHOLAS**  
Sentencing Court(s):  
Butte

**K-16024**

**Motion:** Vacate the panel's July 28, 2015 decision and schedule a new hearing in order to comply with the recording requirement found in Penal Code section 3041.5, subdivision (a)(4).

5. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless a Board Member requests separate action.

**REPORTS AND PRESENTATIONS**

6. Report from Executive Officer
  - Outreach Update
  - Pro Bono Representation for Vietnam Veteran Lifers
7. Report from Chief Counsel
  - Updates Regarding the Americans with Disabilities Act
8. Report from Chief Deputy of Program Operations
  - Document Management Program and Other Updates in BITS (Board's Information Technology System), presented by Christine Buffleben, Chief of the Executive Analysis Unit

**For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.**

- Inmate Panel Attorney Orientation: Northern California - September 14, 2015 8:00am  
Southern California - September 28, 2015 8:00am
- Mentally Disordered Offenders (MDO)  
Independent Evaluator Orientation: Sacramento - September 15, 2015 8:00am  
Atascadero State Hospital - September 18, 2015 8:00am  
Patton State Hospital - September 29, 2015 8:00am

9. Report from Chief Deputy of Field Operations

- New Deputy Commissioner Training Update

**OPEN COMMENTS**

10. BPH Commissioners – Agenda Items for Future Meetings

11. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

**MEETING RECESSED TO TUESDAY, AUGUST 18, 2015**

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Monday, August 17, 2015**

**CLOSED SESSION**

***(All times are approximate and subject to change.)***

1515 K Street  
Executive Board Conference Room  
Sacramento, California 95814

**START TIME: 2:00 p.m.**

**DISCUSSION**

**Overview of Facts and Circumstances with Significant Exposure to Litigation**

Pursuant to Government Code section 11126(e)(2)(B)(i)

*(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)*

**Issues**

1. Decision Review Process for Expanded Medical Parole Hearings, presented by Tiffany Shultz, Assistant Chief Counsel, and Veronica Mendoza, Senior Staff Attorney
2. Application of California Code of Regulations, Title 15, Sections 2247 and 2235, Subdivision (b), to Parole Consideration Hearings, presented by Howard Moseley, Chief Counsel

**Overview of Pending Litigation and Writs of Habeas Corpus**

Pursuant to Government Code section 11126(e)(1)

*(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)*

**Issue**

1. *Gilman v. Brown* (E.D. Cal. July 28, 2014, No. Civ. S-05-830 LKK/CKD) 2014 WL 3735401 (pending appeal), presented by Howard Moseley, Chief Counsel

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, August 18, 2015**

**CLOSED SESSION**

***(All times are approximate and subject to change.)***

1515 K Street  
Executive Board Conference Room  
Sacramento, California 95814

**START TIME: 9:00 a.m.**

**DISCUSSION**

**Overview of Pending Litigation and Writs of Habeas Corpus**

Pursuant to Government Code section 11126(e)(1)

*(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)*

**Issue**

1. *Coleman/Plata v. Brown* (E.D. Cal., Case No. 2:90-CV-0520 LKK JFRM P and N.D. Cal., Case No. C01-1351 THE)(pending), presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, August 18, 2015**

**OPEN SESSION**

*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Meeting Room  
Suite 550  
Sacramento, California 95814

**START TIME: 10:00 a.m.**

**AGENDA**

**MEETING RECONVENED (Continued from August 17, 2015)**

12. Roll Call

**EN BANC REFERRALS**

13. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

<b>A. DACHINO, JULES</b>	<b>T-63376</b>
Sentencing Court(s): Los Angeles	

14. Referral by the Chief Counsel pursuant to Penal Code section 3041(b) and California Code of Regulations, title 15, section 2042 to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the public may address the Board for a period not to exceed five (5) minutes.

<b>B. GUIUAN, NATALIE</b>	<b>W-61645</b>	<b>To consider increasing the base term and the adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)</b>
Sentencing Court(s): San Mateo		
<b>C. NELSON, GARETT</b>	<b>K-91771</b>	<b>To consider increasing the base term and the adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)</b>
Sentencing Court(s): Orange		
<b>D. VANPOOL, STAR</b>	<b>W-98619</b>	<b>To consider increasing the base term and the adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)</b>
Sentencing Court(s): Riverside		
<b>E. YU, TOM</b>	<b>C-15878</b>	<b>To consider increasing the base term and the adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)</b>
Sentencing Court(s): San Francisco		

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15. Referral to consider for a rescission hearing pursuant to California Code of Regulations, title 15, section 2450 et seq. Members of the public may address the Board for a period not to exceed five (5) minutes.

**F. WICKS, WAYNE**

**D-22916**

**To consider new information  
regarding alleged gang affiliations**

Sentencing Court(s):  
Los Angeles

16. Referral pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote. Public comment is prohibited pursuant to Penal Code section 3041(e).

**G. HUERTA, MANUEL**

**H-48579**

Sentencing Court(s):  
San Bernardino

**OPEN COMMENTS**

17. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

The decisions in the above hearings will be posted as soon as they are finalized in the lobby on the ground floor of 1515 K Street. They will also be posted within 24 hours on the BPH internet page at the following address: [www.cdcr.ca.gov/BOPH/enbanc.html](http://www.cdcr.ca.gov/BOPH/enbanc.html).

**CLOSED SESSION – EN BANC REFERRALS**

Pursuant to Government Code section 11126(c)(4)

*("...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.")*

**ADJOURNMENT**

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